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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/289,723 04/12/99 SANDERS

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EXAMINER

IM22/0421

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SPARTANBURG SC 29306-6293

HRUSKOCI, P

ART UNIT

PAPER NUMBER

1724

DATE MAILED:

04/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/289,723

Applicant(s)

Sanders

Examiner

Hruskoci

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

2. The abstract of the disclosure is objected to because it fails to clearly define the "New Technology Process" and appears to exceed 250 words. Correction is required. See MPEP § 608.01(b). The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

© In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to include a clear written description of the invention. On page 2 "Attached in Appendix A" appears to be erroneous since this Appendix is not presented in the application; on page 3 "utility patent" appears to be misdescriptive and should be changed to - utility patent application

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- since the instant invention has not been patented; on page 4 “anions negative anions charge” appears to be erroneous; on page 6 “this New”. The specification includes numerous spelling errors which should be corrected such as on pages 3, 4, 6, 7, and 17, “Lienal”, on pages 4, 6, 7, 11, 12, 14, 15, and 16 “TO”, on pages 3, 4, and 12, “AIX”, on page 13 “BACT” and “Th”; on page 16 “Activted”; on page 17 “7 Day Q 10”; . On page 6 and 17 it is unclear what the “Automated Controller System” includes, how the amounts are controlled, and what amounts are effective. On page 17 it is unclear how Device H operates, and what effluent qualities are analyzed. On page 17 it is unclear what the “Regenerative Chemicals System” includes. On page 19 it is unclear what the “280 analytical statistical analyses” includes. Furthermore, it is noted that applicant may refer to the general state of the art and the advance there over made by his invention, but he is not permitted to make derogatory remarks concerning the inventions of others in accordance with MPEP 608.01(r). Derogatory remarks are statements disparaging the products or processes of any particular person other than the applicant, or statements as to the merits or validity of applications or patents of another persons. Mere comparisons with the prior art are not considered to be disparaging, per se. The remarks concerning the Old Art systems and possible EPA lawsuits disclosed on pages 5, 6, 7, 12, 15, 16, and 18 of the specification are considered derogatory and should be deleted from the instant

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specification. Clarification and correction are required. Applicant is warned against the use of new matter in any amendment.

4. Claims 1-14 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claims are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. A process or method should include positive steps for adding the chemicals to the wastewater to cause coagulation, flocculation, agglomeration, precipitation, and solids removal, and for removing the BOD, COD, TOC, and COLOR from the wastewater. Note the format of the claims in the patents cited. For example, in claims 1-14 "TO", "Device A", "stream 3", "stream 2", "Old Art/Old Fields of Invention", "New Technology Process/or Method", "Device B", "stream #3", "Device E", "Device D", "Automatic Controller System", "process analyzer", "stream 1", "AIX", "Device C", "Device M", "stream 15", "Device G", "Device H", "large", "low", and "7 Day Q 10's" are vague and indefinite because it is unclear how these terms further limit the claims.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller. Fuller discloses (see col. 2 line 55 through col. 4 line 60, and Examples V-XVII) a process for removing BOD, COD, and COLOR from paper mill effluents by chemical precipitation and agglomeration substantially as claimed. It is noted that the clarified effluent in Fuller normally passes on to a secondary treatment system of a biooxidation type. The claims differ from Fuller by reciting that the invention utilizes flocculation, removes TOC, and produces specific benefits and reductions. It is submitted that the precipitated solids produced in Fuller would include at least some flocculated solids. It is further submitted that the removal of BOD, COD, and COLOR by precipitation and coagulation as in Fuller would also include the removal of TOC as in the instant invention. It would have been obvious to one skilled in the art to utilize the process of Fuller for treating an effluent by chemical coagulation, flocculation, agglomeration, and precipitation, to aid in removing BOD, COD, TOC, and COLOR from the effluent. The specific benefits and reductions produced would have been an obvious matter of process optimization to one skilled in the art of water treatment,

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depending on the specific water treated and results desired, absent a sufficient showing of unexpected results.

7. Claims 7, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller as above, and further in view of Martin. The claims differ from Fuller as applied above by reciting that the chemicals are added automatically with a controller system and an automatic process analyzer with an alarm is used to alert operators of spills. Martin disclose (see col. 3 line 63 through col. 5 line 24, and col. 7 line 15 through col. 8 line 41) that it is known in the art of water treatment to utilize a controller system, process analyzer, and alarms, to monitor the addition of a coagulant to a water treatment system. It would have been obvious to one skilled in the art to modify the process of Fuller by utilizing the recited controller system, process analyzer, and alarm, in view of the teachings of Martin, to aid in monitoring the addition of the chemicals to the water.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

P. Hruskoci
April 20, 2000